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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL NO. 1:22-cv-00051-DKW-RT

NOTICE OF ACTION

DEPARTMENT OF HEALTH, STATE
OF HAWAII; ELIZABETH A. CHAR,
in her official capacity as Department of
Health Director; MARIAN E. TSUJI, in
her official capacity as Department of
Health Deputy Director;

Defendants,

and

SIERRA CLUB; BOARD OF WATER
SUPPLY, CITY AND COUNTY OF
HONOLULU,

Intervenor-
Defendants.

District Judge: Derrick K. Watson

Magistrate Judge: Rom Trader

Plaintiff, the United States of America, files this notice of action to inform the Court of developments that could impact the above-captioned case. The United States notes the following:

1. On March 7, 2022, the Secretary of Defense announced the Department of Defense's decision to defuel and permanently close the Red Hill Bulk Fuel Storage Facility. *See* Exhibit A.
2. The United States has advised Defendant and Intervenor-Defendants of this decision.

3. The United States will confer with Defendant and Interevenor-Defendants regarding the path forward in this litigation in light of the decision to permanently close Red Hill.

4. Once the parties have conferred, the United States will inform the Court of proposed next steps, such as holding a status conference or an extension or stay of all pending deadlines.

Dated: March 7, 2022

Respectfully submitted,

TODD KIM
Assistant Attorney General
Environment & Natural Resources Division
U.S. Department of Justice

/s/ Lucy E. Brown
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CERTIFICATE OF SERVICE

I hereby certify that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following:

Via CM/ECF Electronic Service:

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BOARD OF WATER SUPPLY, CITY AND COUNTY OF HONOLULU

DATED: March 7, 2022, at Washington, D.C.

/s/ Lucy E. Brown
Attorney
U.S. Department of Justice